

## REMARKS

In the Official Action dated September 5, 2007, the specification has been objected to at Pages 4-6 and 9-14 where reference is made to the claims. The Abstract is objected to as containing two paragraphs. Claims 15-18 are objected to as improperly dependent under 37 C.F.R. 1.75(c). Claims 3 and 12-14 are rejected under 35 U.S.C. 112, second paragraph as allegedly indefinite. Claims 1-4 and 6-11 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Claus et al. (CA 2,303,243) (hereinafter "Claus et al."). Claims 5 and 12 are rejected under 35 U.S.C. §103(a) as unpatentable over Claus et al. in view of Lerch et al. (WO 97/19754) ("hereinafter Lerch et al."). Claims 13-14 are rejected under 35 U.S.C. §103(a) as unpatentable over Claus et al. and Lerch in view of Pfaller (U.S. 6,329,195) (hereinafter "Pfaller").

This response addresses each objection and rejection. Accordingly, the present application is in condition for allowance. Favorable consideration is respectfully requested.

The disclosure has been objected to because of references made to "claims" on pages 4-6 and 9-14. In response, applicants have revised the specification in accordance with U.S. practice. No new matter has been added.

The abstract is objected to because it contains more than one paragraph. In response, the abstract has been amended pursuant to MPEP §608.01(b).

Claims 15-18 have been objected to under 37 C.F.R. §1.75(c) as allegedly in improper form. Claims 15-18 have been amended in accordance with MPEP 608.01(n).

Accordingly, all formal objections have been overcome and reconsideration and withdrawal thereof is respectfully requested.

Claims 3 and 12-14 have been rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Claim 3 is allegedly unclear based on certain functional characterizations. In response, Claim 3 has been amended to delete the functional characterization of the recited "rewriting unit". Applicants direct the Examiner's attention to Page 4, 3<sup>rd</sup> full paragraph which clearly describes the rewriting unit.

Claims 12-14 have been rejected based on the recitation "such as". In response, applicants have removed the phrase "such as". Accordingly, the rejections of Claims 3 and 12-14 under 35 U.S.C. §112, second paragraph are overcome and withdrawal thereof is respectfully requested.

Claims 19-21 have been added to further define the subject matter to which applicants are entitled. Support for Claims 19-21 is found in original Claims 12-14. No new matter has been added.

Claims 1-4 and 6-11 have been rejected under 35 U.S.C. 102(b) as allegedly anticipated by Claus et al. Claus et al. is entitled "Method and Device for Withdrawing Biological Samples" and is directed to a "sample removing device" which withdraws biological samples. In contrast, the claimed invention is directed to a cell culturing system that carries in collected cells. Notably, the claimed invention comprises an input unit which the Examiner concedes is not disclosed in Claus et al. The present invention is not a sample collection/removal device. In addition to differences at the system level as stated above, there are differences between the present invention and

the cited reference at the subsystem levels. Notably, Claus et al. fail to teach the required transfer of cells. It is axiomatic that an anticipatory reference must teach all the claimed elements. In the present case, Claus et al. does not qualify in this regard. Accordingly, the rejection of Claims 1-4 and 6-11 under 35 U.S.C. §102(b) is overcome and withdrawal thereof is respectfully requested.

Claims 5 and 12 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Claus et al. in view of Lerch et al. Claims 13-14 have also been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Claus et al. and Lerch in view of Pfaller.

As recited in pending Claims 1 and 5 (which is dependent), the cell culturing device of the present invention requires transferring of cells from an incoming transport container to an intermediate container, and from the intermediate container to an outgoing container. Every time the cells are transferred from one container to another, labeling of the container is conducted in the cell culturing device of the present invention. Paragraph [0045] of Claus et al. (CA 2,303,243) reads:

“This, together with other essential steps of the method, leads to the fact that all operating steps necessary for withdrawing samples and labeling are coupled together in such a way that none of the operating steps can be conducted individually”

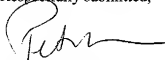
This disclosure in Claus et al. teaches away from the present invention in which labeling of container is required every time a cell transfer is conducted. The deficiencies in Claus et al., including the admitted absence of a sensor (Claim 12), a medium replacement unit (Claim 13) and a medium information detection unit (Claim 14) are not ameliorated by the secondary references to Lerch and/or Pfaller because

neither reference remotely suggests transferring cells from one container to another, as claimed.

Accordingly, the rejection of Claims 5 and 12-14 under 35 U.S.C. §103(c) are overcome and withdrawal thereof is respectfully requested.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a long horizontal flourish extending to the right.

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